



City of Grand Island

Tuesday, March 27, 2007

Council Session

Item E3

**Public Hearing on Request of Corrasan, Inc. dba 2nd Street
Family Market, 1710 West 2nd Street for a Class "D" Liquor
License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 27, 2007

Subject: Public Hearing on Request of Corrasan, Inc. dba 2nd Street Family Market, 1710 West 2nd Street for a Class “D” Liquor License

Item #'s: E-3 & I-3

Presenter(s): RaNae Edwards, City Clerk

Background

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

Declared Legislative Intent

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
- (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

Discussion

Corrasan, Inc. dba 2nd Street Family Market, 1710 West 2nd Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale only inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk,

Building, Fire, Health, and Police Departments. Attached is the Police Department's background investigation and recommendation.

Also included with this application is a request from Jacinto Corona Jiminez, 119 East 18th Street for a Liquor Manager Designation.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve the application.

Sample Motion

Move to approve the application of Corrasan, Inc. dba 2nd Street Family Market, 1710 West 2nd Street for a Class "D" Liquor License and Liquor Manager Designation for Jacinto Corona Jiminez, 119 East 18th Street with the stipulation that Mr. Jiminez complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: March 15, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Class "D" Liquor License Application Corrasan, dba 2nd Street Family Market,
1710 West 2nd, Grand Island, Nebraska; Liquor Manager Designation for Jacinto
Corona Jiminez

The Grand Island Police Department has received applications for Class "D" Liquor License for Corrasan, dba 2nd Street Family Market, 1710 West 2nd, Grand Island, Nebraska and a Liquor Manager Designation for Jacinto Corona Jiminez.

No record was found with regard to Jacinto Corona Jiminez. Elsy Ramos does have an unreported conviction for No Operator's License 9-30-2003. Filemon Sanchez does have a disclosed speeding conviction from 12-1999 and two undisclosed speeding convictions and an undisclosed DUI conviction. None of the convictions rise to the level of Class I Misdemeanor in a specified crime under the Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

It is therefore the Police Department's recommendation to approve the liquor license for the Corrasan, dba 2nd Street Family Market and the Liquor Manager Designation for Jacinto Corona Jiminez.

DV/rk *Dave Vitera*

03/14/07
17:11

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 10:50:25 03/14/2007
Occurred before : 10:50:25 03/14/2007
When reported : 10:50:25 03/14/2007
Date disposition declared : 03/14/2007
Incident number : L07031843
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 1710 2nd St W
State abbreviation : NE
ZIP Code : 68803
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number : printed
Geobase address ID : 18114
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	3592	03/14/07	Ramos, Angel Edilberto	Elsy's husband
NM	3592	03/14/07	Ramos, Angel Edilberto	Criminal History
NM	13037	03/14/07	Ramos, Elsy R	Secretary-Treasurer
NM	13037	03/14/07	Ramos, Elsy R	Criminal History
NM	14284	03/14/07	Sanchez, Filemon	President
NM	14284	03/14/07	Sanchez, Filemon	Criminal History
NM	19215	03/14/07	Gonzalez, Anna Bella	Filemon's wife
NM	19215	03/14/07	Gonzalez, Anna Bella	Criminal History
NM	47181	03/14/07	Corona, Jacinto	Vice-President
NM	47181	03/14/07	Corona, Jacinto	Criminal History
NM	88837	03/14/07	Corona, Carmen	Jacinto's wife
NM	88837	03/14/07	Corona, Carmen	Criminal History

LAW INCIDENT NARRATIVE:

Liquor License Investigation for 2nd Street Family Market

03/14/07
17:11

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:29:59 03/14/2007

Grand Island Police Department
Supplemental Report

I received information on a liquor license application for the 2nd Street Family Market. Since the application is for a corporation, I also received an application for a Liquor Manager Designation. The person applying for the Liquor Manager Designation is Jacinto Corona Jiminez. The Officers listed on the application are: Filemon Sanchez (President), Jacinto Corona Jiminez (Vice-President), and Elsy Ramos (Secretary-Treasurer).

Ana Gonzalez is Filemon's wife, and she signed a non-participation form. Carmen Corona is Jacinto's wife, and she signed a non-participation form. Angel Ramos is Elsy Ramos' husband, and he signed a non-participation form. It should be noted that Angel's middle name on the application is "Alberto." All documentation I found on Angel states that his middle name is Edilberto.

Mark Spintig is listed on Attachment to Form 35-4013 as an "Employee/Site Manager." Tasha M. Spintig is listed as Mark's spouse. Mark disclosed an infraction in '96. I could not find any other criminal history on him, nor could I find any criminal history on his wife.

Filemon Sanchez disclosed a speeding ticket from 12-6-99. Through NCJIS, I located two additional undisclosed speeding convictions, one on 10/18/02 and one on 5/31/06. I also found that Filemon had an undisclosed DUI conviction on 12/10/88.

I did not find any undisclosed violations for Jacinto Corona.

Elsy Ramos advised that she didn't have any violations. I found that Elsy had a conviction for No Operator's License on 9/30/03.

Filemon's failure to disclose two speeding convictions and a DUI along with Elsy's failure to disclose a No Operator's License conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The application clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge." It further states that a charge includes federal, state, "local law, ordinance, or resolution."

The speeding would fall under state law or local ordinance. However, the speeding conviction is an infraction. The no license conviction can be either an infraction or Class III Misdemeanor, and the DUI conviction is a Class W Misdemeanor. None of the convictions rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

All of the applicants were checked through ICE and are in the United States lawfully.

It's the Police Department's recommendation to approve the liquor license for

03/14/07
17:11

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 3

the 2nd Street Family Market and the Liquor Manager Designation for Jacinto Corona Jiminez.

Date, Time: Wed Mar 14 16:40:11 CDT 2007
Reporting Officer: Vitera
Unit #: 835